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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,444	11/14/2001	Alan F. Savicki	492.162	3570

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EXAMINER

BRITTAINE, JAMES R

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/980,444	SAVICKI, ALAN F.
	Examiner James R. Brittain	Art Unit 3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,9-12,22,24,31-40,44,49-54,58,63-68,72 and 77 is/are rejected.
- 7) Claim(s) 6-8,13-21,23,25-30,41-43,45-48,55-57,59-62,69-71 and 73-76 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-12, 22, 24, 31, 35-40, 44, 49-54, 58, 63-68, 72, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heuvel (US 6036364) in view of Porchia et al. (US 5664299).

Heuvel (figures 1-3) teaches a closure device comprising: reclosable profiles 110; and a slider member slidably disposed on the reclosable profiles, the slider member facilitating the occlusion of the reclosable profiles when moved towards a first end thereof, the slider member including a main body portion 308 and two door portions 306, 310 which are hingedly attached to the main body portion 308 along a hinge portions 304, 302 for movement between open and closed positions, the hinge portions

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304, 302 being substantially perpendicular to the reclosable profiles 110 when the main body portion 308 is installed upon the reclosable profiles 110. The difference is that the reclosable profiles while discussed with respect to the background as being male and female closures, are not indicated as being interlocking. However, the use of interlocking closures is old and well known in the art and given that Heuvel suggests the environment of male and female closures as being well known, it would have been obvious to use U-channel fastening strips such as those suggested by Porchia et al. (figure 3) who suggest the use of U-channel fastening strips that interlock as being a desirable closure upon a container. The U-channel defines a profiled fastener. As to claim 4, the main body portion 308 has a thickness dimension parallel to the X-axis, that is, in the direction of the fastening strips. In regard to claims 5 and 10 the shoulders in the doors of the device of Heuvel form notches 318 320 that taper so as to close the fastening strips and the free ends of the doors move from forming a large gap when opened completely to a small gap when assembled with the pin to hold the doors closed. As to claim 22, the pin 130 of Heuvel is the latching mechanism to keep the doors in the closed position. As to claim 36, the slider of Heuvel is not explicitly stated as being adapted for securing interlocking fastening strips. However, these are common reclosable profiles secured by sliders and the modification of the slider for use of such reclosable profiles would have been obvious in view of Porchia et al. suggesting the use of a slider upon such interlocking profiles. As to claim 50, Heuvel clearly teaches the slider and reclosable profiles used to secure an opening in a storage bag and it would have been obvious to utilize interlocking fastening strips in view of Porchia

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et al. In regard to claim 64, Heuvel suggests providing the reclosable profiles and slider with doors that are openable and latchable by a latching pin 130 and to provide interlocking fastening strips would have been obvious in view of Porchia et al.

Claims 1-5, 9-12, 22, 24, 32, 36-40, 44, 49-54, 58, 63-68, 72, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heuvel (US 6036364) in view of Robson (US 4922586).

Heuvel (figures 1-3) teaches a closure device comprising: reclosable profiles 110; and a slider member slidably disposed on the reclosable profiles, the slider member facilitating the occlusion of the reclosable profiles when moved towards a first end thereof, the slider member including a main body portion 308 and two door portions 306, 310 which are hingedly attached to the main body portion 308 along a hinge portions 304, 302 for movement between open and closed positions, the hinge portions 304, 302 being substantially perpendicular to the reclosable profiles 110 when the main body portion 308 is installed upon the reclosable profiles 110. The difference is that the reclosable profiles while discussed with respect to the background as being male and female closures, are not indicated as being interlocking. However, the use of interlocking closures is old and well known in the art and given that Heuvel suggests the environment of male and female closures as being well known, it would have been obvious to use shear action fastening strips in view of Robson (figures 1-3) suggesting such a configuration as being desirable to maintain an adequate closure. As to claim 4, the main body portion 308 has a thickness dimension parallel to the X-axis, that is, in the direction of the fastening strips. In regard to claims 5 and 10 the shoulders in the

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doors of the device of Heuvel form notches 318 320 that taper so as to close the fastening strips and the free ends of the doors move from forming a large gap when opened completely to a small gap when assembled with the pin to hold the doors closed. As to claim 22, the pin 130 of Heuvel is the latching mechanism to keep the doors in the closed position. As to claim 36, the slider of Heuvel is not explicitly stated as being adapted for securing interlocking fastening strips. However, these are common reclosable profiles secured by sliders and the modification of the slider for use of such reclosable profiles would have been obvious in view of Robson suggesting the use of a slider upon such interlocking profiles. As to claim 50, Heuvel clearly teaches the slider and reclosable profiles used to secure an opening in a storage bag and it would have been obvious to utilize interlocking fastening strips in view of Robson. In regard to claim 64, Heuvel suggests providing the reclosable profiles and slider with doors that are openable and latchable by a latching pin 130 and to provide interlocking fastening strips would have been obvious in view of Robson.

Claims 1-5, 9-12, 22, 24, 33, 36-40, 44, 49-54, 58, 63-68, 72, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heuvel (US 6036364) in view of Stolmeier et al. (WO 98/234493).

Heuvel (figures 1-3) teaches a closure device comprising: reclosable profiles 110; and a slider member slidably disposed on the reclosable profiles, the slider member facilitating the occlusion of the reclosable profiles when moved towards a first end thereof, the slider member including a main body portion 308 and two door portions 306, 310 which are hingedly attached to the main body portion 308 along a hinge

portions 304, 302 for movement between open and closed positions, the hinge portions 304, 302 being substantially perpendicular to the reclosable profiles 110 when the main body portion 308 is installed upon the reclosable profiles 110. The difference is that the reclosable profiles while discussed with respect to the background as being male and female closures, are not indicated as being interlocking. However, the use of interlocking closures is old and well known in the art and given that Heuvel suggests the environment of male and female closures as being well known, it would have been obvious to use an arrowhead configuration in view of Stolmeier et al. (figure 4) teaching an arrowhead configuration as being a desirable interlocking configuration for the fastener strips so as to maintain a good closure. As to claim 4, the main body portion 308 has a thickness dimension parallel to the X-axis, that is, in the direction of the fastening strips. In regard to claims 5 and 10 the shoulders in the doors of the device of Heuvel form notches 318 320 that taper so as to close the fastening strips and the free ends of the doors move from forming a large gap when opened completely to a small gap when assembled with the pin to hold the doors closed. As to claim 22, the pin 130 of Heuvel is the latching mechanism to keep the doors in the closed position. As to claim 36, the slider of Heuvel is not explicitly stated as being adapted for securing interlocking fastening strips. However, these are common reclosable profiles secured by sliders and the modification of the slider for use of such reclosable profiles would have been obvious in view of Stolmeier et al. suggesting the use of a slider upon such interlocking profiles. As to claim 50, Heuvel clearly teaches the slider and reclosable profiles used to secure an opening in a storage bag and it would have been obvious to

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utilize interlocking fastening strips in view of Stolmeier et al. In regard to claim 64, Heuvel suggests providing the reclosable profiles and slider with doors that are openable and latchable by a latching pin 130 and to provide interlocking fastening strips would have been obvious in view of Stolmeier et al.

Claims 1-5, 9-12, 22, 24, 34, 36-40, 44, 49-54, 58, 63-68, 72, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heuvel (US 6036364) in view of Herrington (US 5007143).

Heuvel (figures 1-3) teaches a closure device comprising: reclosable profiles 110; and a slider member slidably disposed on the reclosable profiles, the slider member facilitating the occlusion of the reclosable profiles when moved towards a first end thereof, the slider member including a main body portion 308 and two door portions 306, 310 which are hingedly attached to the main body portion 308 along a hinge portions 304, 302 for movement between open and closed positions, the hinge portions 304, 302 being substantially perpendicular to the reclosable profiles 110 when the main body portion 308 is installed upon the reclosable profiles 110. The difference is that the reclosable profiles while discussed with respect to the background as being male and female closures, are not indicated as being interlocking. However, the use of interlocking closures is old and well known in the art and given that Heuvel suggests the environment of male and female closures as being well known, it would have been obvious to use a rolling configuration in view of Herrington (figures 4-8) teaching the use of a rolling configuration as being a desirable interlocking configuration for the fastener strips so as to maintain a good closure. As to claim 4, the main body portion 308 has a

thickness dimension parallel to the X-axis, that is, in the direction of the fastening strips. In regard to claims 5 and 10 the shoulders in the doors of the device of Heuvel form notches 318 320 that taper so as to close the fastening strips and the free ends of the doors move from forming a large gap when opened completely to a small gap when assembled with the pin to hold the doors closed. As to claim 22, the pin 130 of Heuvel is the latching mechanism to keep the doors in the closed position. As to claim 36, the slider of Heuvel is not explicitly stated as being adapted for securing interlocking fastening strips. However, these are common reclosable profiles secured by sliders and the modification of the slider for use of such reclosable profiles would have been obvious in view of Herrington suggesting the use of a slider upon such interlocking profiles. As to claim 50, Heuvel clearly teaches the slider and reclosable profiles used to secure an opening in a storage bag and it would have been obvious to utilize interlocking fastening strips in view of Herrington. In regard to claim 64, Heuvel suggests providing the reclosable profiles and slider with doors that are openable and latchable by a latching pin 130 and to provide interlocking fastening strips would have been obvious in view of Herrington.

Allowable Subject Matter

Claims 6-8, 13-21, 23, 25-30, 41-43, 45-48, 55-57, 59-62, 69-71, and 73-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
June 30, 2003